

From: Eric B Venet
To: Microsoft ATR
Date: 1/27/02 2:45pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed settlement in the Microsoft antitrust case. Before I begin, I would like to echo the ideas suggested at <http://www.kegel.com/remedy/letter.html> and <http://www.codeweavers.com/~jwhite/tunneywine.html>.

My name is Eric B Venet, I am a second-semester junior at the University of Rhode Island, studying Computer Science. I am also an apprentice computer consultant for a small firm in Rockland, MA. In my academic, professional, and even private life I have certainly been somewhat of a victim of Microsoft's monopolistic tactics.

I feel that this settlement is not strong enough for three main reasons:

1. It does not protect the consumer from non-code-based monopolistic tactics.
2. It does not provide adequate access to the Windows APIs.
3. It does not allow for true competition.

1.

One of the most hotly debated items of the past year was the rumor of the draconian licensing requirements in the then-upcoming Windows XP. While what eventually came to be was quite tame compared to what was being discussed, licenses are an issue that the settlement doesn't quite pinpoint and solve. Microsoft needs to be prevented from trapping the consumer in an unfair license that may force him or her to keep using Windows, and keep paying for it. For example, even with this settlement in place, Microsoft could update Windows so that all data is encrypted, and cannot be viewed without a licensed, up-to-date version of Windows. This would be a situation where a consumer would have to pay money just to get access to his or her files. While this is an extreme example, it is also one that I believe is unpreventable under the terms of the settlement.

2.

As stated in the above-linked documents, a volunteer group could be barred from gaining access to API documentation, thus betraying the very nature of the antitrust findings. The importance of free and easy access to Windows APIs cannot be stressed, enough. Bugs or problems in the Windows code, itself, have caused many errors in the computers of clients that my firm deals with. The time spent repairing the damage done by Windows' problems is time that is billed to the clients, costing them thousands of dollars each year. If the Windows APIs were more open, applications could be written to repair such damage automatically, or even avoid it in the first place. To be more clear, a monopoly is a bad thing, but a monopoly that deals in problematic products can be a fiscal and an emotional nightmare.

3.

Drawing on what I've said in number 2, what is to prevent Microsoft from putting code into Windows to keep competitor's applications from running? There is a nigh-infamous rumor that there exists code in Windows to make Netscape Navigator, a competing product to Microsoft Internet Explorer, crash or perform improperly. While this has never been "proven", using Netscape on a PC with Windows is an exercise in futility and frustration, while Internet Explorer serves up the same web pages with little or no problems. To speak of things of more truth than rumor, Microsoft recently removed support for "Plug Ins" from its latest versions of Internet Explorer. This sent many developers scrambling to rewrite their software so it would still function. With Microsoft freely-able to do such things, there is harm to consumers, and also unjust harm to "competing" firms. As far as I understand, there is nothing in the proposed settlement that will truly be able to prevent Microsoft from these tactics, again. The source code to Windows must be monitored or known in such a way as to prevent malicious code from interfering with third party software.

To close, Microsoft is poised to extend its monopoly across many other facets of computerdom with its XBox video game console and its plans for .NET, a Framework for internet applications. Without a stronger settlement, the company's strangle-hold on software developers and consumers will grow even tighter. Computers are becoming integral in nearly all aspects of our everyday lives, and having one company with sole control of software is a very dangerous prospect. The brashness of Microsoft's illegal and immoral tactics are becoming an unfortunate trend in the world of business, and frighteningly, this goes hand-in-hand with a trend of government looking the other way and sticking it to the citizenry while these modern-day robber barons grow richer and more powerful. I realize that the job of government is a daunting one, but it is one that entails maintaining a balance of equality between all people, and at the moment, the balance is visibly shifted towards big business. There is a chance, here to make a true difference and return the realm of computers to one of general advancement of the technology, not just the advancement plans of one close-minded corporation. I hope the right decisions are made.

Thank you for your time, and thank you for doing a job that I'm sure many others lack the fortitude to do.

Sincerely,

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